

(1)

RECEIVED

2007 JUN 27 A 9:5

2:07 CV 638-LSC

Date - 6-15-07

Friday

Time: 12:00 AM

Case - CR, NO. 2:05-CR-101-LSC

U.S. DISTRICT COURT
MIDDLE DISTRICT

United State of America
- V -

unsigned Defense Counsel - MARVIN Thomas

Come Now: MARVIN THOMAS
ASK The United State of America
To file a motion for a Hearing
To Discuss this Case - CR. NO. 2:05-CR-101-LSC
and to Discuss this plea Agreement
on the Basis that I can prove that
This is a false plea Agreement
and a false statement.

unsigned Defense
Counsel

thank you,

Marvin Thomas
Marvin Thomas

SCANNED

PAGE 7-12-07

RECEIVED

Date - 6-15-07

2007 JUN 27 A 9:51

CLERK HACKETT
U.S. DISTRICT COURT
SOUTHERN DISTRICT
OF NEW YORK
This is The unsigned Defendant Counsel
MARVIN THOMAS

my Client Marvin Thomas
Went to Court on Date - 9-7-06
Before Judge Scott Coogler
for a Competency Hearing so He Could
go Home, not to sign a plea Agreement
to be sent to prison for a year.
I was out of town and could not
make it for the Competency Hearing.
This plea Agreement should not
have ever take place,
unless me. Marvin Thomas
Defense Counsel for this case
power of Attorney for this case
should have been present.

3)

I Marvin Thomas unsigned Defense Counsel did not sign this plea Agreement because I didn't Agreement with it. This plea Agreement was not schedule by Court Arrangement, This plea Agreement It Happened out of the Blue Sky. I Marvin Thomas Defense Counsel If I could have made it for the Competency Hearing, This plea Agreement would not have take place.

My Client Marvin Thomas File a motion to the Court year of 06 - 8 month to have Timothy C. Halstrom His Defense Lawyer Withdrawl from His Case because Timothy C. Halstrom did not want to give my Client Marvin Thomas His Legal paper. The Federal Court Grant the motion to Marvin Thomas to Representing Himself. The Hearing was Held before Judge Scott Coogler. Marvin Thomas Made a Statement

9)

In federal Court before Judge
Scott Coogler,

That He did not want Timothy C. Halstrom
Around Him In the Court Room or
out of the Court Room.

Judge Scott Coogler said to Marvin Thomas
In Federal Court that this was
His Court Room.

and If He say that Timothy C. Halstrom
is going to stay in His Court Room
Timothy C. Halstrom is going to stay
In His Court Room.

Judge Scott Coogler order for
Timothy C. Halstrom to stay in the
Same Court Room with my Client
Marvin Thomas and to be a
Stand by Counsel for Him.

After a motion was Grant in
Federal Court to withdraw
Timothy C. Halstrom from His
Case. Timothy C. Halstrom
Should not Have been in the Same Court
Room with Marvin Thomas
or to make any Decision about
Marvin Thomas Case.

2)

This plea Agreement that my Client
Marvin Thomas Sign is a False Statement

Because me Marvin Thomas
Unsigned Counsel for this Case.
Did not Sign this plea Agreement
Timothy C. Halstrom. Name
do not mean anything on this
Plea Agreement. Because a motion
Was file to withdraw Timothy C. Halstrom
From this Case - CR No. 2:05-CR-101-LSC

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)

v.)

MARVIN THOMAS)

CR. NO. 2:05-cr-101-LSC

FILED

in open court

SEP -7 2006

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

PLEA AGREEMENT

DEFENSE COUNSEL:

ASSISTANT U.S. ATTORNEY:

MARVIN THOMAS/TIMOTHY HALSTROM

SUSAN R. REDMOND

COUNTS AND STATUTES CHARGED:

Count 1. 26 U.S.C. § 5861
Firearms Registration violation

Count 2. 18 U.S.C. § 922(g)(1)
Felon in possession

Count 3. 18 U.S.C. § 922(g)(1)
Felon in possession

COUNTS PLEADING PURSUANT TO PLEA AGREEMENT:

Count 3. 18 U.S.C. § 922(g)(1)

PENALTIES BY COUNT - MAXIMUM PENALTY:

Count 3. 18 U.S.C. § 922(g)(1)

NMT 10Y;
NMT \$250,000; both
NMT 3Y SUP REL;
\$100 AF;
VWPA.

(7)
defendant. However, the defendant does understand that evidence of a statement made in connection with and relevant to a plea of guilty, later withdrawn, or an offer to plead guilty to the crimes charged in the Indictment herein, is admissible in a criminal proceeding for perjury or false statement when the statement was made by the defendant under oath, on the court record, and in the presence of counsel.

k. The defendant is satisfied that defense counsel has been competent and effective in representing defendant.

6. The undersigned attorneys for the government and for the defendant represent to the court that the foregoing Plea Agreement is the agreement of the parties that has been reached pursuant to the Plea Agreement procedure provided for in Rule 11, Federal Rules of Criminal Procedure, as Amended. The attorney for the defendant further advises the Court that the defendant has been advised of the nature of the charge to which the foregoing described plea is to be offered, and that the defendant has been advised of the defendant's right to plead not guilty and to be tried by a jury on all issues herein; of the maximum possible penalty provided by law; that by the entering of a plea of guilty as aforesaid, the defendant waives the right to be tried by a jury or by the Court, waives the right to confront and cross-examine witnesses against the defendant and the right not to be compelled to incriminate the defendant; and that if the defendant pleads guilty, there will not be a further trial of any kind. Further, the defendant has been advised that if the defendant pleads guilty, the Court may ask questions about the offense to which the defendant has pleaded and that if the plea is rejected or later withdrawn, that the answers to such questions may not be used against the defendant in a civil or criminal proceeding, but that the defendant's answers may later be used against the defendant in a prosecution for perjury or false statement if the answers are not truthful.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)

v.)

MARVIN THOMAS)

CR. NO. 2:05-cr-101-LSC

FILED

SEP -7 2006

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

PLEA AGREEMENT

DEFENSE COUNSEL:

MARVIN THOMAS/TIMOTHY HALSTROM

ASSISTANT U.S. ATTORNEY:

SUSAN R. REDMOND

COUNTS AND STATUTES CHARGED:

- Count 1. 26 U.S.C. § 5861
Firearms Registration violation
- Count 2. 18 U.S.C. § 922(g)(1)
Felon in possession
- Count 3. 18 U.S.C. § 922(g)(1)
Felon in possession

COUNTS PLEADING PURSUANT TO PLEA AGREEMENT:

- Count 3. 18 U.S.C. § 922(g)(1)

PENALTIES BY COUNT - MAXIMUM PENALTY:

- Count 3. 18 U.S.C. § 922(g)(1)
- NMT 10Y;
NMT \$250,000; both
NMT 3Y SUP REL;
\$100 AF;
VWPA.

defendant. However, the defendant does understand that evidence of a statement made in connection with and relevant to a plea of guilty, later withdrawn, or an offer to plead guilty to the crimes charged in the Indictment herein, is admissible in a criminal proceeding for perjury or false statement when the statement was made by the defendant under oath, on the court record, and in the presence of counsel.

k. The defendant is satisfied that defense counsel has been competent and effective in representing defendant.

6. The undersigned attorneys for the government and for the defendant represent to the court that the foregoing Plea Agreement is the agreement of the parties that has been reached pursuant to the Plea Agreement procedure provided for in Rule 11, Federal Rules of Criminal Procedure, as Amended. The attorney for the defendant further advises the Court that the defendant has been advised of the nature of the charge to which the foregoing described plea is to be offered, and that the defendant has been advised of the defendant's right to plead not guilty and to be tried by a jury on all issues herein; of the maximum possible penalty provided by law; that by the entering of a plea of guilty as aforesaid, the defendant waives the right to be tried by a jury or by the Court, waives the right to confront and cross-examine witnesses against the defendant and the right not to be compelled to incriminate the defendant; and that if the defendant pleads guilty, there will not be a further trial of any kind. Further, the defendant has been advised that if the defendant pleads guilty, the Court may ask questions about the offense to which the defendant has pleaded and that if the plea is rejected or later withdrawn, that the answers to such questions may not be used against the defendant in a civil or criminal proceeding, but that the defendant's answers may later be used against the defendant in a prosecution for perjury or false statement if the answers are not truthful.

UNITED STATES DISTRICT COURT
Middle District of Alabama

UNITED STATES OF AMERICA

v.

Case Number 2:05-CR-0101-LSC

MARVIN THOMAS
Defendant.

USM Number 11519-002

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MARVIN THOMAS, was represented by Timothy Charles Halstrom.

On motion of the United States, the court has dismissed counts 1 and 2 with prejudice.

The defendant pleaded guilty to count 3. Accordingly, the defendant is adjudged guilty of the following count, involving the indicated offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count Number</u>
18 USC § 922(g)(1)	Felon in Possession of a Firearm	2/2/2004	3

As pronounced on September 7, 2006, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, for count 3, which shall be due immediately, payable to the Clerk, U.S. District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36104.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Done this 8th day of September 2006.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
124019

AO 245 S (Rev. 1/98)(N.D.Ala. rev.) Sheet 2 - Imprisonment

Judgment--Page 2 of 5

Defendant: MARVIN THOMAS
Case Number: 2:05-CR-0101-LSC

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THIRTY SEVEN (37) months as to Count 3. This term of imprisonment shall run as follows: 12 months shall run consecutively and 25 months shall run concurrently with the sentence imposed in Docket Number 2:04CR00188-MHT, U.S. District Court for the Middle District of Alabama or any other sentence imposed in any other case.

The Court recommends to the Bureau of Prisons that the defendant be evaluated and allowed to participate in the Intensive Residential Substance Abuse Treatment Program and be housed as close as possible to his family in Macon County, Alabama. The drug treatment should take first priority.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

Defendant: MARVIN THOMAS
Case Number: 2:05-CR-0101-LSC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 36 months. The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

AO 245 S (Rev. 1/98)(N.D.Ala. rev.) Sheet 3 - Continuation of Standard Conditions of Supervised Release

Judgment--Page 4 of 5

Defendant: MARVIN THOMAS
Case Number: 2:05-CR-0101-LSC

CONTINUATION OF STANDARD CONDITIONS OF SUPERVISED RELEASE

- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245 S (Rev. 1/98)(N.D.Ala. rev.) Sheet 3 (cont'd) - Supervised Release

Judgment--Page 5 of 5

Defendant: MARVIN THOMAS
Case Number: 2:05-CR-0101-LSC

SPECIAL CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall participate in drug testing and shall contribute to the cost of any testing based on the ability to pay and the availability of third party payments.
- 2) The defendant shall submit to a search of his person, residence, office, and vehicle pursuant to the search policy of this Court.
- 3) The defendant shall cooperate in the collection of DNA.

UNITED STATES DISTRICT COURT
Middle District of Alabama

UNITED STATES OF AMERICA

v.

Case Number 3:05-CR-101-LSC

MARVIN THOMAS
Defendant.

USM Number 11519-002

AMENDED
JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MARVIN THOMAS, was represented by Timothy Charles Halstrom.

On motion of the United States, the court has dismissed counts 1 and 2 with prejudice.

The defendant pleaded guilty to count 3 of the superseding indictment. Accordingly, the defendant is adjudged guilty of the following count, involving the indicated offense:

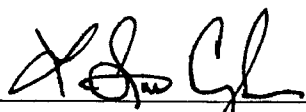
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count Number</u>
18 USC § 922(g)(1)	Felon in Possession of a Firearm	2/2/2004	3

As pronounced on September 7, 2006, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, for count 3, which shall be due immediately payable to the Clerk, U.S. District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36104.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Done this 18th day of September 2006.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
124019

AO 245 S (Rev. 1/98)(N.D.Ala. rev.) Sheet 2 - Imprisonment

Judgment--Page 2 of 5

Defendant: MARVIN THOMAS
Case Number: 3:05-CR-101-LSC

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THIRTY SEVEN (37) months as to Count 3. This term of imprisonment shall run as follows: 12 months shall run consecutively and 25 months shall run concurrently with the sentence imposed in Docket Number 2:04CR00188-MHT, U.S. District Court for the Middle District of Alabama or any other sentence imposed in any other case.

The Court recommends to the Bureau of Prisons the defendant be evaluated and allowed to participate in the Intensive Residential Substance Abuse Treatment Program and be housed as close as possible to his family in Macon County, Alabama. The drug treatment should take first priority.

The defendant is remanded to the custody of the United States Marshal.

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I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

Defendant: MARVIN THOMAS
Case Number: 3:05-CR-101-LSC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 36 months. The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ✓ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ✓ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

AO 245 S (Rev. 1/98)(N.D.Ala. rev.) Sheet 3 - Continuation of Standard Conditions of Supervised Release

Judgment--Page 4 of 5

Defendant: MARVIN THOMAS
Case Number: 3:05-CR-101-LSC

CONTINUATION OF STANDARD CONDITIONS OF SUPERVISED RELEASE

- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245 S (Rev. 1/98)(N.D.Ala. rev.) Sheet 3 (cont'd) - Supervised Release

Judgment--Page 5 of 5

Defendant: MARVIN THOMAS
Case Number: 3:05-CR-101-LSC

SPECIAL CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall participate in drug testing, under the administrative supervision of the Probation Officer, and shall contribute to the cost of any testing based on the ability to pay and the availability of third party payments.
- 2) The defendant shall submit to a search of his person, residence, office, and vehicle pursuant to the search policy of this Court.
- 3) The defendant shall cooperate in the collection of DNA.

27BE, CLOSED, KG

**U.S. District Court
Alabama Middle District (Montgomery)
CRIMINAL DOCKET FOR CASE #: 2:05-cr-00101-LSC-SRW-ALL
Internal Use Only**

Case title: USA v. Thomas

Date Filed: 04/20/2005

Assigned to: Honorable L. Scott
Coogler
Referred to: Honorable Susan Russ
Walker

Defendant

Marvin Thomas (1)
TERMINATED: 09/08/2006

represented by **Federal Defender**
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: ECFCMALM@fd.org
TERMINATED: 09/20/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Kevin L. Butler
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 407
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: kevin_butler@fd.org
TERMINATED: 09/20/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leslie Susanne Smith
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960

Montgomery, AL 36104
334-834-2099
Fax: 334-834-0353
Email: leslie_smith@fd.org
TERMINATED: 09/20/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy Charles Halstrom
Moore & Halstrom
4170 Lomac Street
Montgomery, AL 36106
334-272-6464
Fax: 334-244-7474
Email: halstromtim@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:922(g)(1); UNLAWFUL
TRANSPORT OF FIREARMS, ETC.;
NMT \$250,000[*]; NMT 10Y or B;
NMT 3Y SUP REL; \$100 SA;
G-LINES; VWPA; FORFEITURE
ALLEGATION
(3s)

Highest Offense Level (Opening)

Felony

Terminated Counts

26:5861(d) UNLAWFUL TO
RECEIVE A FIREARM NOT
REGISTERED - NMT \$250,000[*];
NMT 10Y B; NMT 3Y SUP REL; G/L;
\$100 SA
(1)

26:5861(d); UNLAWFUL TO
RECEIVE A FIREARM NOT
REGISTERED; NMT \$250,000 [*];
NMT 10Y or B; NMT 3Y SUP REL;
\$100 SA; G-LINES; VWPA

Disposition

37 Mos Imp (12 mos cons and 25 conc
to Sentence imposed in
2:04cr188-MHT); 36 Mos Sup Rel;
\$100 SA. 6/16/06 - PLEA W/D;
SENTENCE VACATED. 9/7/06 - 37
Mos Imp (12 mos cons and 25 mos
conc to sentence imposed in docket
number 2:04cr188-MHT); 3 Yrs Sup
Rel; \$100

Disposition

Dismissed by Motion of the
Government

Dismissed on Government's Oral
Motion. 6/16/06: PLEA W/D;
SENTENCE VACATED. 9/7/06
Dismissed by Oral Motion of the
Government

(1s)

18:922(g)(1) UNLAWFUL
TRANSPORT OF FIREARMS - NMT
\$250,000[*]; NMT 10Y B; NMT 3Y
SUP REL; G/L; VWPA; \$100 SA

Dismissed by Motion of the
Government

(2)

18:922(g)(1);UNLAWFUL
TRANSPORT OF FIREARMS, ETC.;
NMT \$250,000[*]; NMT 10Y or B;
NMT 3Y SUP REL; \$100 SA;
G-LINES; VWPA; FORFEITURE
ALLEGATION

Dismissed on Government's Oral
Motion. 6/16/06: PLEA W/D;
SENTENCE VACATED. 9/7/06
Dismissed by Oral Motion of the
Government

(2s)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Matthew S. Miner**
U.S. Attorney's Office
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 223-7560
Email: matthew.miner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan R. Redmond
U.S. Attorney's Office
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 223-7560
Email: susan.redmond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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04/20/2005	<u>1</u>	INDICTMENT as to Marvin Thomas (1) count(s) 1, 2. (ws) (Entered: 04/21/2005)
04/20/2005	<u>2</u>	Limits of Punishment as to Marvin Thomas (ws,) (Entered: 04/21/2005)
04/21/2005	<u>3</u>	ORDER to Produce Prisoner for Arraignment as to Marvin Thomas : Arraignment set for 5/4/2005 10:00 AM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 4/21/05. (ws) (Entered: 04/21/2005)
05/04/2005	<u>4</u>	CJA 23 Financial Affidavit by Marvin Thomas (jct,) (Entered: 05/04/2005)
05/04/2005		ORAL MOTION to Appoint Counsel by Marvin Thomas. (jct,) (Entered: 05/04/2005)
05/04/2005		ORDER (ORAL)granting Oral Motion to Appoint Counsel: Federal Defender appointed as to Marvin Thomas (1) (jct,) (Entered: 05/04/2005)
05/04/2005	<u>5</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Arraignment as to Marvin Thomas (1) Count 1,2 held on 5/4/2005, Initial Appearance as to Marvin Thomas held on 5/4/2005, Plea entered by Marvin Thomas (1) Not Guilty on counts 1,2. (Recording Time 11:46 - 11:54.) (jct,) (Entered: 05/04/2005)
05/04/2005		CJA 23 Financial Affidavit by Marvin Thomas (jct,) (Entered: 05/04/2005)
05/04/2005		NOTICE of Correction re <u>6</u> Financial Affidavit - CJA23 docketed in wrong case. (jct,) (Entered: 05/04/2005)
05/05/2005	<u>6</u>	NOTICE OF ATTORNEY APPEARANCE: Kevin L. Butler appearing for Marvin Thomas (Butler, Kevin) (Entered: 05/05/2005)
05/06/2005	<u>7</u>	ORDER ON ARRAIGNMENT as to Marvin Thomas Pretrial Conference set for 5/31/2005 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Jury Trial set for 6/13/2005 before Hon. Chief Judge Mark E. Fuller. Pretrial Motions due by 5/26/2005. Response to Motion due by 6/2/2005. Discovery due by 5/11/2005.. Signed by Judge Susan Russ Walker on 5/6/05. (kcg,) (Entered: 05/06/2005)
05/31/2005	<u>8</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Marvin Thomas held on 5/31/2005 (Recording Time 3:05 - 3:07.) (jct,) (Entered: 05/31/2005)
06/01/2005	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE: Leslie Susanne Smith appearing for Marvin Thomas (Smith, Leslie) (Entered: 06/01/2005)
06/01/2005	<u>10</u>	*SEALED* EX PARTE APPLICATION In Forma Pauperis for Order Requiring Subpoenas and Subpoenas Duces Tecum to be Issued for Service and Seal Application by Marvin Thomas. (kcg,) (Entered: 06/02/2005)

06/02/2005	<u>11</u>	*SEALED* ORDER granting <u>10</u> Exparte Motion as to Marvin Thomas (1) for Order Requiring Subpoenas and Subpoenas Duces Tecum to be Issued for Service and to Seal Motion as to Marvin Thomas (1). Signed by Judge Susan Russ Walker on 6/2/05. (kcg,) (Entered: 06/03/2005)
06/03/2005		Case as to Marvin Thomas Reassigned to Judge Joel F. Dubina. Judge Mark E. Fuller no longer assigned to the case. (kcg,) (Entered: 06/03/2005)
06/06/2005	<u>12</u>	PRETRIAL CONFERENCE ORDER as to Marvin Thomas Jury Selection set for 6/13/2005 before Honorable Myron H. Thompson. Jury Trial set for 6/13/2005 before Honorable Joel F. Dubina. Voir Dire due by 6/6/2005; Proposed Jury Instructions due by 6/6/2005; Motions in Limine due by 6/3/2005; Plea Agreement due by 6/6/2005. Signed by Judge Susan Russ Walker on 6/6/05. (kcg,) (Entered: 06/06/2005)
06/06/2005	<u>13</u>	MOTION in Limine to <i>Exclude Reference to the Burglary, Receiving Stolen Property, and Theft of Property Charges Brought Against Mr. Thomas in State Court</i> by Marvin Thomas. (Butler, Kevin) (Entered: 06/06/2005)
06/06/2005	<u>14</u>	Proposed Jury Instructions by Marvin Thomas (Butler, Kevin) (Entered: 06/06/2005)
06/06/2005	<u>15</u>	Proposed Voir Dire by Marvin Thomas (Butler, Kevin) (Entered: 06/06/2005)
06/06/2005	<u>16</u>	MOTION (Unopposed) for Mental Competency Examination by Marvin Thomas. (Butler, Kevin) (Entered: 06/06/2005)
06/06/2005	<u>17</u>	MOTION to Withdraw as Attorney by Kevin L. Butler. by Marvin Thomas. (Butler, Kevin) (Entered: 06/06/2005)
06/06/2005	<u>18</u>	Proposed Jury Instructions by USA as to Marvin Thomas (Miner, Matthew) (Entered: 06/06/2005)
06/06/2005	<u>19</u>	Proposed Voir Dire by USA as to Marvin Thomas (Miner, Matthew) (Entered: 06/06/2005)
06/06/2005	<u>20</u>	MOTION to Continue trial <i>or, in the Alternative, for a Special Trial Setting</i> by USA as to Marvin Thomas. (Miner, Matthew) (Entered: 06/06/2005)
06/08/2005	<u>21</u>	ORDER granting <u>16</u> Motion for a Psychiatric Examination as to Marvin Thomas (1) that the USM shall immediately remove the defendant to the custody of the warden of the Federal Correctional Institution, Butner, NC or a similar facility as may be designated by the Attorney General, where the defendant is to be committed for the purpose of being observed or examined for a period of 45 days by one or more qualified psychiatrists; that the examining psychiatrist conducting the mental examination of the defendant report in writing to this court within 45 days from the date of the defendant's arrival at the institution as to their findings; that the

		defendant shall be incarcerated and remain at the institution designated by the Attorney General until further order of the court; that the Clerk of this Court is directed to furnish the USM for this district three certified copies of this order; further ORDER denying without prejudice <u>17</u> Motion to Withdraw as Attorney as to Marvin Thomas (1) counsel may renew his motion, if necessary, after the conclusion of the competency examination. Signed by Judge Susan Russ Walker on 6/8/05. (ws) (Entered: 06/08/2005)
06/08/2005	<u>22</u>	ORDER TO CONTINUE - Ends of Justice as to Marvin Thomas Time excluded from 6/13/05 until 8/1/05. GRANTING <u>20</u> MOTION to Continue trial <i>or, in the Alternative, for a Special Trial Setting</i> filed by USA. Jury Selection RESET for 8/1/2005 before Honorable Joel F. Dubina. Jury Trial RESET for 8/1/2005 before Honorable Joel F. Dubina. Final Pretrial Conference set for 7/1/2005 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 6/8/05. (ws) (Entered: 06/08/2005)
06/29/2005	<u>24</u>	SUPERSEDING INDICTMENT as to Marvin Thomas (1) count(s) 1s, 2s, 3s. (kcg,) (Entered: 07/05/2005)
06/29/2005	<u>25</u>	Limits of Punishment as to Marvin Thomas: (kcg,) (Entered: 07/05/2005)
07/01/2005	<u>23</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Marvin Thomas held on 7/1/2005 (Recording Time 3:24 - 3:27.) (jct,) (Entered: 07/01/2005)
07/05/2005	<u>26</u>	ORDER to Produce Prisoner for Arraignment as to Marvin Thomas Arraignment set for 7/13/2005 10:00 AM in Courtroom 4B before Honorable Charles S. Coody. Signed by Judge Susan Russ Walker on 7/5/05. (kcg,) (Entered: 07/05/2005)
07/05/2005	<u>27</u>	MOTION to Continue <i>Arraignment</i> by Marvin Thomas. (Butler, Kevin) (Entered: 07/05/2005)
07/07/2005	<u>28</u>	MOTION to Dismiss <i>Indictment</i> by USA as to Marvin Thomas. (Attachments: # <u>1</u>)(Miner, Matthew) (Entered: 07/07/2005)
07/08/2005	<u>29</u>	ORDER granting <u>28</u> Motion to Dismiss Indictment as to Marvin Thomas (1). Signed by Judge Joel F. Dubina on 7/8/05. (kcg,) (Entered: 07/08/2005)
07/08/2005		***Update Disposition Information: Marvin Thomas (1), Count(s) 1, 2, Dismissed by Motion of the Government; Count(s) 1s, 2s, Dismissed on Government's Oral Motion (kcg,) (Entered: 05/26/2006)
07/13/2005	<u>30</u>	STAMPED ORDER as to Marvin Thomas GRANTING <u>27</u> MOTION to Continue Arraignment set for July 13, 2005, until mental competency evaluation is completed filed by Marvin Thomas . Signed by Judge Susan Russ Walker on 7/13/05. (kcg,) (Entered: 07/13/2005)













07/20/2005	● <u>31</u>	MOTION to Continue trial (<i>Unopposed</i>) by Marvin Thomas. (Butler, Kevin) (Entered: 07/20/2005)
07/25/2005	● <u>32</u>	ORDER TO CONTINUE - Ends of Justice as to Marvin Thomas. GRANTING <u>31</u> MOTION to Continue trial (<i>Unopposed</i>) filed by Marvin Thomas. Jury Selection and Trial are re-set from 8/1/2005 to 11/7/2005 before Honorable Joel F. Dubina. The Magistrate Judge shall conduct a pretrial conference prior to the November 7, 2005, trial term. Signed by Judge Joel F. Dubina on 7/25/05. (kcg,) (Entered: 07/25/2005)
07/26/2005	● <u>33</u>	ORDER as to Marvin Thomas Pretrial Conference set for 10/17/2005 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 7/26/05. (kcg,) (Entered: 07/26/2005)
08/25/2005	● <u>34</u>	Psychiatric Report Received (Sealed) as to Marvin Thomas (ws) (Entered: 09/01/2005)
09/19/2005	● <u>35</u>	MOTION to Withdraw as Attorney <i>and for Substitution of CJA Counsel</i> by Kevin L. Butler. by Marvin Thomas. (Butler, Kevin) (Entered: 09/19/2005)
09/20/2005	●	Attorney update in case as to Marvin Thomas. Attorney Timothy Charles Halstrom for Marvin Thomas added. (kcg,) (Entered: 09/20/2005)
09/20/2005	● <u>36</u>	ORDER as to Marvin Thomas GRANTING <u>35</u> MOTION to Withdraw as Attorney <i>and for Substitution of CJA Counsel</i> by Kevin L. Butler. CJA panel attorney Timothy Halstrom is appointed to represent the defendant in this matter. New counsel for defendant shall file a notice of appearance as soon as possible in this matter. It is further ORDERED that a Status Conference is set on the record to address the competency issue for 9/22/2005 02:30 PM by telephone conference call before Honorable Susan Russ Walker. Counsel for defendant is DIRECTED to set up the telephone conference call. Signed by Judge Susan Russ Walker on 9/20/05. (kcg,) (Entered: 09/20/2005)
09/20/2005	●	Attorney update in case as to Marvin Thomas. Attorney Leslie Susanne Smith; Kevin L. Butler and Federal Defender terminated. (kcg,) (Entered: 09/20/2005)
09/20/2005	● <u>37</u>	NOTICE OF ATTORNEY APPEARANCE: Timothy Charles Halstrom appearing for Marvin Thomas (Halstrom, Timothy) (Entered: 09/20/2005)
09/22/2005	● <u>38</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Status Conference as to Marvin Thomas held on 9/22/2005 (Recording Time 2:33 - 2:42.) (jct,) (Entered: 09/22/2005)
09/28/2005	●	Case as to Marvin Thomas Reassigned to Judge Mark E. Fuller. Judge Joel F. Dubina no longer assigned to the case. (kcg,) (Entered: 09/28/2005)
09/29/2005	● <u>39</u>	MOTION to Continue by Marvin Thomas. (Attachments: # <u>1</u>)(Halstrom, Timothy) (Entered: 09/29/2005)

09/29/2005	<u>40</u>	MOTION to Substitute Attorney by USA as to Marvin Thomas. (Redmond, Susan) (Entered: 09/29/2005)
09/30/2005	<u>41</u>	ORDER TO CONTINUE - Ends of Justice as to Marvin Thomas. GRANTING <u>39</u> MOTION to Continue filed by Marvin Thomas. Jury Trial is continued from 11/7/2005 to 2/13/2006 before Hon. Chief Judge Mark E. Fuller. The Magistrate Judge shall conduct a pretrial conference prior to the February 13, 2006 trial term. Signed by Judge Mark E. Fuller on 9/30/05. (kcg,) (Entered: 09/30/2005)
09/30/2005	<u>42</u>	CJA 20 as to Marvin Thomas: Appointment of Attorney Timothy Charles Halstrom for Marvin Thomas. Signed by Judge Susan Russ Walker on 9/30/05. (kcg,) (Entered: 09/30/2005)
09/30/2005	<u>43</u>	STAMPED ORDER granting <u>40</u> Motion to Substitute Attorney as to Marvin Thomas (1) filed by U.S.A.. Signed by Judge Susan Russ Walker on 9/30/05. (kcg,) (Entered: 09/30/2005)
10/04/2005	<u>44</u>	ORDER as to Marvin Thomas that the Pretrial Conference previously scheduled for 10/17/2005 be and is hereby rescheduled for 1/20/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 10/4/05. (kcg,) (Entered: 10/04/2005)
12/02/2005	<u>45</u>	STATUS REPORT <i>Notice of Scheduling Conflict</i> by Marvin Thomas (Halstrom, Timothy) (Entered: 12/02/2005)
12/06/2005	<u>46</u>	ORDER as to Marvin Thomas that defendant has not been arraigned on the pending superseding indictment. Accordingly, it is ORDERED that Arraignment for this defendant be and is hereby set for 12/13/2005 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. The United States Marshal is DIRECTED to produce the defendant for the arraignment. Signed by Judge Susan Russ Walker on 12/6/05. (kcg,) (Entered: 12/06/2005)
12/08/2005		Case as to Marvin Thomas Reassigned to Judge L. Scott Coogler. Judge Mark E. Fuller no longer assigned to the case. (kcg,) (Entered: 12/08/2005)
12/08/2005		UPDATE TRIAL DEADLINES as to Marvin Thomas: Jury Selection and Trial set for 2/13/2006 10:00 AM in Courtroom 2D before Honorable L. Scott Coogler. (kcg,) (Entered: 12/12/2005)
12/13/2005	<u>47</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Arraignment on Superseding Indictment as to Marvin Thomas (1) Count 1s,2s,3s held on 12/13/2005, Plea entered by Marvin Thomas Not Guilty on counts 1s, 2s, 3s. (Recording Time 3:07 - 3:09.) (jct,) (Entered: 12/13/2005)
01/20/2006	<u>48</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Marvin Thomas held on 1/20/2006 (Recording Time 3:09 - 3:12.) (jct,) (Entered: 01/20/2006)

01/30/2006	<u>49</u>	NOTICE OF INTENT TO CHANGE PLEA by Marvin Thomas (Halstrom, Timothy) (Entered: 01/30/2006)
01/31/2006	<u>50</u>	ORDER as to Marvin Thomas Change of Plea Hearing set for 2/6/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker.. Signed by Judge Susan Russ Walker on 1/31/2006. (sql,) (Entered: 01/31/2006)
02/06/2006	<u>51</u>	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Marvin Thomas (jct,) (Entered: 02/06/2006)
02/06/2006	<u>52</u>	PLEA AGREEMENT as to Marvin Thomas (jct,) (Entered: 02/06/2006)
02/06/2006	<u>53</u>	ORAL ORDER accepting guilty plea and adjudicating defendant guilty as to Count 3s of the Superseding Indictment as to Marvin Thomas . Signed by Judge Susan Russ Walker on 2/6/06. (jct,) Modified on 6/19/2006 (snc): GUILTY PLEA WITHDRAWN; See dn <u>60</u> . (Entered: 02/06/2006)
02/06/2006	<u>53</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Change of Plea Hearing as to Marvin Thomas held on 2/6/2006, Plea entered by Marvin Thomas (1) Guilty Count 3s; Counts 1s and 2s to be dismissed at sentencing; defendant remanded to custody of USM. (Court Reporter Risa Entrekin.) (jct,) Modified on 6/19/2006 (snc): GUILTY PLEA WITHDRAWN; See dn <u>60</u> . (Entered: 02/06/2006)
02/07/2006	<u>54</u>	MOTION Expedited Sentencing Hearing by Marvin Thomas. (Halstrom, Timothy) (Entered: 02/07/2006)
02/14/2006	<u>55</u>	ORDER as to Marvin Thomas Sentencing is set for 5/24/2006 09:45 AM in Courtroom 2D before Honorable L. Scott Coogler, as further set out. Signed by Judge L. Scott Coogler on 2/14/06. (kcg,) (Entered: 02/15/2006)
04/17/2006	<u>56</u>	STAMPED ORDER denying <u>54</u> Motion to Expedite Sentencing as to Marvin Thomas (1). The Court has no earlier available setting. Signed by Judge L. Scott Coogler on 4/17/06. (kcg,) (Entered: 04/17/2006)
05/17/2006	<u>57</u>	MOTION for Reduction in Criminal Offense Level for Acceptance of Responsibility by USA as to Marvin Thomas. (Redmond, Susan) (Entered: 05/17/2006)
05/24/2006	<u>58</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Marvin Thomas (ws,) (Entered: 05/24/2006)
05/24/2006	<u>59</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Marvin Thomas (snc) (Entered: 05/25/2006)
05/24/2006	<u>60</u>	ORAL ORDER as to Marvin Thomas GRANTING <u>57</u> MOTION for Reduction in Criminal Offense Level for Acceptance of Responsibility filed by USA . Signed by Judge L. Scott Coogler on 5/24/06. (jct,) (Entered: 05/26/2006)

05/24/2006	●	ORAL MOTION to Dismiss Counts 1s and 2s by USA as to Marvin Thomas. (jct,) (Entered: 05/26/2006)
05/24/2006	●	ORAL ORDER granting Oral Motion to Dismiss Counts 1s and 2s as to Marvin Thomas (1). Signed by Judge L. Scott Coogler on 5/24/06. (jct,) (Entered: 05/26/2006)
05/24/2006	●	ORAL MOTION to run sentence concurrent to state case by Marvin Thomas. (jct,) (Entered: 05/26/2006)
05/24/2006	●	ORAL ORDER granting in part and denying in part Oral Motion to run sentence concurrent to state case as to Marvin Thomas (1). Signed by Judge L. Scott Coogler on 5/24/06. (jct,) (Entered: 05/26/2006)
05/24/2006	●	Minute Entry for proceedings held before Judge L. Scott Coogler :Sentencing held on 5/24/2006 as to Marvin Thomas. ORAL ORDERS granting motion for reduction in criminal offense level, granting motion to dismiss Counts 1s and 2s, granting and denying in part motion to run sentence concurrent to state case (in part). Sentence imposed; defendant remanded. (Court Reporter Lindy Fuller.) (snc,) (Entered: 05/26/2006)
05/24/2006		***Procedural Interval start (P9 for Cts 1s and 2s) as to Marvin Thomas (snc,) (Entered: 06/19/2006)
05/26/2006	● <u>60</u>	JUDGMENT as to Marvin Thomas (1). Count(s) 1, 2, 1s, 2s: Dismissed on Motion of the Government. Count(s) 3s: 37 Mos Imp (12 mos cons and 25 conc to Sentence imposed in 2:04cr188-MHT); 36 Mos Sup Rel; \$100 SA . Signed by Judge L. Scott Coogler on 05/26/06. (snc) Modified on 6/19/2006 (snc): GUILTY PLEA WITHDRAWN and JUDGMENT VACATED; See dn <u>60</u> . (Entered: 05/26/2006)
05/26/2006		***Set/Clear Flags as to Marvin Thomas (snc,) (Entered: 05/26/2006)
06/13/2006	● <u>61</u>	MOTION to Withdraw Plea of Guilty by Marvin Thomas. (Halstrom, Timothy) (Entered: 06/13/2006)
06/16/2006	● <u>62</u>	ORDER granting <u>61</u> Motion to Withdraw Plea of Guilty as to Marvin Thomas (1), WITHDRAWING the guilty plea entered by defendant Thomas on 2/6/06, and VACATING the Judgment <u>60</u> entered on 5/26/06.. Signed by Judge L. Scott Coogler on 6/16/06. (snc) (Entered: 06/19/2006)
06/16/2006		CASE REOPENED per <u>60</u> : ***JS-2 Opening Information (snc) (Entered: 06/19/2006)
06/20/2006	● <u>63</u>	ORDER TO CONTINUE - Ends of Justice as to Marvin Thomas. The Defendant has been permitted to withdraw his guilty plea. Accordingly, it is ORDERED as follows: Jury Selection is set for 10/2/2006 before Honorable L. Scott Coogler. Jury Trial is set for 10/2/2006 before Honorable L. Scott Coogler. Motions in Limine are due by 9/25/2006; Proposed Jury Instructions are due by 9/25/2006; Voir Dire due by 9/25/2006; Plea Agreement due by 9/30/2006; Pretrial Conference set for 7/17/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ

		Walker. Signed by Judge Susan Russ Walker on 6/20/06. (kcg,) (Entered: 06/20/2006)
07/17/2006	<u>64</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Marvin Thomas held on 7/17/2006 (Recording Time 3:11 - 3:13.) (jct,) (Entered: 07/18/2006)
07/19/2006	<u>65</u>	PRETRIAL CONFERENCE ORDER as to Marvin Thomas Jury Selection set for 10/2/2006 before Honorable L. Scott Coogler. Jury Trial [ETT 1 1/2 days] is set for 10/2/2006 before Honorable L. Scott Coogler. Pretrial Conference set for 9/11/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Voir Dire due by 9/25/2006; Proposed Jury Instructions due by 9/25/2006; Motions in Limine due by 9/25/2006; Notice of Intent to Change Plea due by noon on 9/20/2006. Signed by Judge Susan Russ Walker on 7/19/06. (kcg,) (Entered: 07/19/2006)
08/16/2006	<u>66</u>	MOTION to Withdraw as Attorney by Timothy C. Halstrom. by Marvin Thomas. (Attachments: # <u>1</u>)(Halstrom, Timothy) (Entered: 08/16/2006)
08/17/2006	<u>67</u>	MOTION for Special Setting for Trial by USA as to Marvin Thomas. (Redmond, Susan) (Entered: 08/17/2006)
08/17/2006	<u>68</u>	ORDER as to Marvin Thomas re <u>66</u> MOTION to Withdraw as Attorney by Timothy C. Halstrom; Motion Hearing set for 8/22/2006 09:00 AM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 8/17/06. (ajr) (Entered: 08/17/2006)
08/18/2006	<u>69</u>	STAMPED ORDER granting <u>67</u> Motion for special setting of trial as to Marvin Thomas (1). Jury selection will still be on 10/2/2006, jury trial will commence on 10/10/2006.. Signed by Judge L. Scott Coogler on 8/18/2006. (sql,) (Entered: 08/18/2006)
08/18/2006	<u>70</u>	ORDER as to Marvin Thomas re <u>66</u> MOTION to Withdraw as Attorney by Timothy C. Halstrom. filed by Marvin Thomas, Motion Hearing set for 8/22/2006 before the undersigned Mag. Judge is hereby RE-SET for 8/31/2006 09:00 AM in Courtroom 2D before Honorable L. Scott Coogler as further set out.. Signed by Judge Susan Russ Walker on 8/18/2006. (sql,) (Entered: 08/18/2006)
08/28/2006	<u>70</u>	Set/Reset Hearing as to Marvin Thomas: Motion Hearing re <u>66</u> motion to withdraw as attorney set on 8/31/2006 reset from 9:00 AM to 10:00 AM before Honorable L. Scott Coogler (as directed by Judge Coogler) (snc) (Entered: 08/28/2006)
08/31/2006	<u>71</u>	Minute Entry for Motion Hearing held 8/31/06 before Judge L. Scott Coogler as to Marvin Thomas re <u>66</u> MOTION to Withdraw as Attorney by Timothy C. Halstrom(Court Reporter Jimmy Dickens.) (ajr) (Entered: 08/31/2006)
08/31/2006	<u>71</u>	ORAL ORDER as to Marvin Thomas re <u>16</u> MOTION (Unopposed) for Mental Competency Examination setting Competency Hearing for 9/7/2006 10:00 AM in Courtroom 2D before Honorable L. Scott Coogler.

		Signed by Judge L. Scott Coogler on 8/31/06. (ajr) Modified on 8/31/2006 (snc). (Entered: 08/31/2006)
08/31/2006		ORAL ORDER as to Marvin Thomas holding <u>66</u> Motion to Withdraw as Attorney in abeyance and directing that defendant will represent himself at the hearing with Attorney Tim Halstrom as standby; Signed by Judge L. Scott Coogler on 8/31/06. (ajr) (Entered: 08/31/2006)
08/31/2006		<u>72</u> MOTION Application for Subpoena by Marvin Thomas. (Attachments: # 1)(Halstrom, Timothy) (Entered: 08/31/2006)
08/31/2006		<u>73</u> NOTICE of Correction re Oral Order - to reflect that order is in reference to document #16 - not document #66 as previously docketed.(ajr) (Entered: 08/31/2006)
09/07/2006		<u>74</u> Minute Entry for proceedings held before Judge L. Scott Coogler :Motion Hearing as to Marvin Thomas held on 9/7/2006 re <u>66</u> MOTION to Withdraw as Attorney by Timothy C. Halstrom. (Court Reporter Mitchell Reisner.) (kcg,) (Entered: 09/08/2006)
09/07/2006		ORAL MOTION to Withdraw Oral Motion from 8/31/06 Regarding Competency Issue by Marvin Thomas. (kcg,) (Entered: 09/08/2006)
09/07/2006		ORAL ORDER as to Marvin Thomas GRANTING ORAL MOTION to Withdraw Oral Motion from 8/31/06 Regarding Competency Issue filed by Marvin Thomas. Signed by Judge L. Scott Coogler on 9/7/06. (kcg,) (Entered: 09/08/2006)
09/07/2006		ORAL ORDER as to Marvin Thomas GRANTING IN PART AND DENYING IN PART <u>66</u> MOTION to Withdraw as Attorney by Timothy C. Halstrom with defendant to proceed pro se and Attorney Halstrom to serve as stand-by at trial . Signed by Judge L. Scott Coogler on 9/7/06. (kcg,) (Entered: 09/08/2006)
09/07/2006		<u>75</u> PLEA AGREEMENT as to Marvin Thomas (kcg,) (Entered: 09/08/2006)
09/07/2006		Minute Entry for proceedings held before Judge L. Scott Coogler :Change of Plea Hearing as to Marvin Thomas held on 9/7/2006, Plea entered by Marvin Thomas (1) Guilty Count 3s. (Court Reporter Risa L. Entrekin.) (kcg,) (Entered: 09/08/2006)
09/07/2006		ORAL ORDER accepting guilty plea and adjudicating the defendant guilty as charged in Count 3 of the superseding indictment as to Marvin Thomas . Signed by Judge L. Scott Coogler on 9/7/06. (kcg,) (Entered: 09/08/2006)
09/07/2006		<u>76</u> Minute Entry for proceedings held before Judge L. Scott Coogler :Sentencing held on 9/7/2006 as to Marvin Thomas (1) (Court Reporter Risa L. Entrekin.) (kcg,) (Entered: 09/08/2006)
09/07/2006		ORAL MOTION to Dismiss Counts 1s and 2s by USA as to Marvin Thomas. (kcg,) (Entered: 09/08/2006)

09/07/2006	<u>76</u>	ORAL ORDER as to Marvin Thomas GRANTING ORAL MOTION to Dismiss Counts 1s and 2s filed by USA with prejudice. Signed by Judge L. Scott Coogler on 9/7/06. (kcg,) (Entered: 09/08/2006)
09/08/2006	<u>77</u>	JUDGMENT as to Marvin Thomas (1), Count(s) 1, 2, Dismissed by Motion of the Government; Count(s) 1s, 2s, Dismissed on Government's Oral Motion. 6/16/06: PLEA W/D; SENTENCE VACATED. 9/7/06 Dismissed by Oral Motion of the Government; Count(s) 3s, 37 Mos Imp (12 mos cons and 25 conc to Sentence imposed in 2:04cr188-MHT); 36 Mos Sup Rel; \$100 SA. 6/16/06 - PLEA W/D; SENTENCE VACATED.9/7/06 - 37 Mos Imp (12 mos cons and 25 mos conc to sentence imposed in docket number 2:04cr188-MHT); 3 Yrs Sup Rel; \$100 SA. Signed by Judge L. Scott Coogler on 9/8/06. (kcg,) (Entered: 09/08/2006)
09/08/2006		***Case Terminated as to Marvin Thomas (kcg,) (Entered: 09/08/2006)
09/18/2006	<u>78</u>	AMENDED JUDGMENT as to Marvin Thomas (1), Count(s) 1, 2, Dismissed by Motion of the Government; Count(s) 1s, 2s, Dismissed on Government's Oral Motion. 6/16/06: PLEA W/D; SENTENCE VACATED. 9/7/06 Dismissed by Oral Motion of the Government; Count(s) 3s, 37 Mos Imp (12 mos cons and 25 conc to Sentence imposed in 2:04cr188-MHT); 36 Mos Sup Rel; \$100 SA. 6/16/06 - PLEA W/D; SENTENCE VACATED. 9/7/06 - 37 Mos Imp (12 mos cons and 25 mos conc to sentence imposed in docket number 2:04cr188-MHT); 3 Yrs Sup Rel; \$100 . Signed by Judge L. Scott Coogler on 9/18/06. (kcg,) (Entered: 09/18/2006)
09/18/2006	<u>79</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Marvin Thomas (kcg,) (Entered: 09/18/2006)
09/20/2006	<u>80</u>	Pro Se MOTION to Withdraw Plea by Marvin Thomas. (kcg,) (Entered: 09/20/2006)
09/21/2006	<u>81</u>	ORDER denying <u>80</u> Pro Se Motion to Withdraw Plea of Guilty as to Marvin Thomas (1). Signed by Judge L. Scott Coogler on 9/21/06. (kcg,) (Entered: 09/21/2006)
10/03/2006	<u>82</u>	CJA 20 as to Marvin Thomas: Authorization to Pay Timothy Halstrom. Amount: \$ 6,418.95, Voucher # 060921000094. . Signed by Judge Mark E. Fuller on 9/21/06. (ws,) (Entered: 10/03/2006)
10/30/2006	<u>83</u>	Judgment Returned Executed as to Marvin Thomas on 10/13/06 and filed with the Court on 10/30/06. (kcg,) (Entered: 11/02/2006)
10/30/2006	<u>84</u>	Judgment Returned Executed as to Marvin Thomas delivered to FCI MMA on 10/30/2006. (ag,) (Entered: 11/03/2006)
01/26/2007	<u>85</u>	ORDER as to Marvin Thomas that upon consideration of Thomas's letter to the court dated January 16, 2007, which is attached to this order, in which the defendant seeks copies of his case file, and for good cause, it is ORDERED that Thomas is hereby informed that his criminal file was

		closed on September 8, 2006, after he entered a guilty plea (which included a waiver of appeal and collateral attach) and was sentenced. Accordingly, he no longer has an active criminal case in this court, as further set out. Signed by Judge Susan Russ Walker on 1/26/07. (Attachments: # <u>1</u> Letter) (kcg,) (Entered: 01/26/2007)
06/25/2007	<u>86</u>	NOTICE by USA as to Marvin Thomas (Attachments: # <u>1</u> Attachment "A")(Redmond, Susan) (Entered: 06/25/2007)
06/27/2007	<u>87</u>	Pro Se MOTION for a Hearing to Discuss this Case and the Plea Agreement by Marvin Thomas. (kcg,) (Entered: 06/29/2007)
06/29/2007		Case as to Marvin Thomas Reassigned to Judge Mark E. Fuller. Judge L. Scott Coogler no longer assigned to the case. (kcg,) (Entered: 06/29/2007)
07/11/2007		Case as to Marvin Thomas Reassigned to Judge L. Scott Coogler. Judge Mark E. Fuller no longer assigned to the case. (kcg,) (Entered: 07/11/2007)
07/12/2007	<u>88</u>	ORDER as to Marvin Thomas that on June 27, 2007 document number <u>87</u> , defendant Marvin Thomas filed in this court a document challenging the validity of his 2006 guilty plea for being a felon in possession of a firearm. A review of Thomas's allegations, to the extent they are understood by this court, indicates that he seeks relief that is appropriate only under the remedy provided by 28 U.S.C. 2255. Accordingly, the Clerk of this court is hereby DIRECTED to: 1. Open a civil action under 28 U.S.C. 2255. 2. Docket the document that is currently docketed as Doc. No. 87 in Criminal Case No. 2:05cr101 in the newly opened civil action. 3. Assign the newly opened case to the Magistrate Judge and District Judge to whom the instant case is assigned; and 4. Refer the case file to the appropriate Magistrate Judge for further proceedings upon completion of the foregoing directives. Signed by Judge L. Scott Coogler on 7/12/07. (kcg,) (Entered: 07/12/2007)